

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION

In the matter of:)	Complaint No. R8-2007-0014
)	for
New Basis)	Administrative Civil Liability
2626 Kansas Avenue)	
Riverside, CA 92507)	
)	
<u>Attn: Mr. Chris Larkins, President</u>)	

YOU ARE HEREBY GIVEN NOTICE THAT:

1. You are alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board), may impose liability under Sections 13385 and 13399.33 of the California Water Code.
2. A hearing concerning this Complaint will be held before the Board within ninety days of the date of issuance of this Complaint. The hearing in this matter has been scheduled for the Board's regular meeting on June 29, 2007 at the City Council Chambers, 25541 Barton Road, Loma Linda, CA 92354. You or your representative will have an opportunity to appear and be heard, and to contest the allegations in this Complaint and the imposition of civil liability by the Board. An agenda for the meeting will be mailed to you not less than 10 days prior to the hearing date.
3. At the hearing, the Board will consider whether to affirm, reject or modify the proposed administrative civil liability or whether to refer the matter to the Attorney General for recovery of judicial civil liability.
4. New Basis, located at 2626 Kansas Avenue in Riverside, is currently regulated under the State's General Permit for Storm Water Discharges Associated with Industrial Activities, Water Quality Order No. 97-03-DWQ, NPDES No. CAS000001 (General Permit) and the facility's WDID Number is 8 33I002605. The company previously operated under the Quickset Organization, and the facility name was Associated Plastics, Inc. The facility name was changed to New Basis.
5. The General Permit requires submittal of an annual report by July 1 of each year. New Basis did not submit the annual report by the July 3, 2006 deadline (July 1, 2006 was a Saturday). A Notice of Non-Compliance (NNC) was issued to New Basis by certified mail, on August 4, 2006. The facility received the NNC on August 8, 2006.

6. On September 8, 2006, Board staff left a message with the receptionist for New Basis, indicating that the annual report was overdue, that a second NNC would be mailed soon, and that New Basis should submit the annual report to avoid penalties. A second NNC was issued on September 11, 2006, again by certified mail. The facility received the NNC on September 13, 2006.
7. In both NNCs, Board staff requested submittal of the completed annual report, a statement explaining why the annual report was not submitted by the July 3 deadline, and the measures that would be taken to ensure that future annual reports are submitted on time. Both NNCs also warned about the mandatory penalty for failure to submit the annual report. In the second NNC, Board staff requested submittal of the completed annual report by October 11, 2006.
8. On December 20, 2006, New Basis submitted an annual report that indicated that the facility had not kept a written record of the required quarterly observations of unauthorized non-storm water discharges or monthly visual observations of storm water discharges during the wet season. Further, the facility neither included an explanation for the late submittal nor included any measures to insure timely submittal of the reports in the future. This facility violated the General Permit, the Federal Clean Water Act and the California Water Code by failing to submit the annual report by July 3, 2006.
9. Section 13385(a)(2) of the California Water Code provides that any person who violates waste discharge requirements issued pursuant to the Federal Clean Water Act shall be civilly liable. Section 13385(c) provides that civil liability may be administratively imposed by a regional board in an amount not to exceed ten thousand dollars (\$10,000) for each day the violation occurs.
10. Based on non-submittal of the 2005-2006 annual report, the facility is alleged to have violated the General Permit for 169 days (from July 4, 2006 to December 19, 2006). The maximum liability for this violation is \$1,690,000.
11. Section 13399.33(c) of the California Water Code provides that the Regional Board shall impose a mandatory minimum penalty of \$1,000 for any person who fails to submit an annual report in accordance with Section 13399.31 of the Water Code.
12. Section 13385(e) of the California Water Code specifies factors that the Board shall consider in establishing the amount of civil liability. These factors are addressed in the table below:

Factor	Comment
A. Nature, Circumstance, Extent, and Gravity of Violation	New Basis did not submit its annual report in a timely manner. An inspection of the facility on December 27, 2006 indicated that the facility is also in violation of some of the other provisions of the General Permit, especially with respect to housekeeping and waste storage and disposal practices.
B. Culpability	New Basis failed to submit its annual report as required by the General Permit. New Basis received two certified letters and a phone call reminding it that the annual report was overdue and warning it of the consequences.
C. Economic Benefit or Savings	Staff estimates that New Basis saved approximately \$1,500 during the 2005-2006 reporting year by not collecting and analyzing storm water samples and by not keeping the records of any inspection it might have conducted; its savings on delaying the submittal of the annual report itself is negligible.
D. Prior History of Violations	New Basis (previously Associated Plastics, Inc.) was assessed a penalty of \$2,000 for non-submittal of the 1998-99 annual report.
E. Other Factors	Board staff spent at least 3 hours of staff time in its efforts to bring this facility into compliance (@\$70.00 per hour, the total cost for staff time is \$210).
F. Ability to pay	New Basis has not provided any information to indicate that it is unable to pay the proposed amount.

After consideration of these factors, the Executive Officer proposes that civil liability be imposed on New Basis in the amount of \$4,000 for the violation cited above. This amount includes the mandatory minimum penalty of \$1,000.

WAIVER OF HEARING

You may waive your right to a hearing. If you choose to do so, please sign the attached waiver form and mail it, together with a check payable to the State Water Resources Control Board, for the amount of the penalty proposed under Paragraph 12, above. The waiver form and the check should be mailed to this office in the enclosed envelope.

If you have any questions, please contact Keith L. Elliott at (951) 782-4925, or contact the Regional Board's legal counsel, Erik Spiess, at (916) 341-5167.

May 16, 2007
Date


Gerard J. Thibeault
Executive Officer

In the matter of:)
)
New Basis)
2626 Kansas Avenue)
Riverside, CA 92507)
)
Attn: Mr. Chris Larkins)

Complaint No. R8-2007-0014
for
Administrative Civil Liability

WAIVER OF HEARING

I agree to waive the right of New Basis to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. R8-2007-0014.

I have enclosed a check, made payable to the State Water Resources Control Board, in the amount of \$4,000. I understand that I am giving up the right of New Basis to be heard and to argue against allegations made by the Executive Officer in this Complaint, and against the imposition of, and the amount of, the liability proposed.

Date

for New Basis